

- B. Political activity on the national, state, or county level is unrestricted, except that any employee desiring to hold such an office shall refrain from any campaign activity while on duty as an employee or while wearing the uniform or insignia of the City. The State level includes any governmental subdivision of the State except the City of Blackwell.

4.5

Equal Employment Opportunity Policy:

- A. The City of Blackwell employs persons who are best fitted by skill, ability, experience and education to fill specific jobs. No discrimination in personnel decisions of whatever nature is made because of age, sex, race, color, creed, national origin, or handicap, provided employees or applicants are qualified and meet the physical and mental requirements of the job classification applicable to their employment. The City will make reasonable accommodations to physical and mental limitations of employees and all department heads, supervisors and foreman are expected to take positive actions to abide by this policy regarding all personnel decisions including decisions effecting recruiting, hiring, transfers, work assignments, benefits, training, promotion and termination.
- B. Advancement is and shall be based entirely on the individuals qualifications, performance, ability, attitude and potential for promotion. If at any time two people have identical qualifications as described above, length of employment would then be the determining factor.
- C. No person in an unclassified, classified or management service position shall use or promise to use directly or indirectly any official authority or influence, whether possessed or anticipated, to secure or attempt to secure for any person an appointment to a position in the classified or management service or an increase in pay or to influence the vote or political action of any person.

- A. Any employment, activity or enterprise which involves the use for private gain of the City's time, facilities, equipment, or supplies or the prestige or influence of the City office or equipment.
- B. Any activity which involves receipt or acceptance by an employee of any money or other consideration from anyone other than the City for performance of an act which the employee should be required or expected to render in the regular course of his City duties.
- C. Any activity which involves the performance of an act other than in his capacity as a City Employee which may later be subject to the control, inspection, review or enforcement by the employee or the department for which the employee is employed.
- D. Any activity which involves so much of the employee's time that it impairs his attendance or efficiency in the performance of his duty. The City Manager or his designated representative shall make a final determination as to whether a specific activity is prohibited.

4.9 Appearance and Conduct: Employees of the City of Blackwell shall:

- A. Maintain a clean, well groomed appearance in keeping with their job and conducive to good public relations. Department Heads shall develop requirements related to dress, personal appearance or hygiene for their respective departments.
- B. Treat their supervisors with appropriate respect for the position they hold and carry out all orders or instructions to the best of their ability without delay or argument.
- C. Conduct themselves in a manner so as to be a credit to the City, both on and off duty.
- D. Be just and honorable in all their relations with each other. They shall not make false reports or gossip to the discredit or injury of another City employee or concerning municipal matters. Nor shall they act in a manner directed toward creating a disturbance or dissension within City Departments.

The factors in determining promotions will include, but not be limited to, competitive promotional examination where applicable, efficiency of service, promise of continued development, education and background, and length of service. This practice is observed so both employees and public will regard the municipal services as a career; efficiency and ability will be recognized; and turnover of personnel will be minimized.

4.21 Transfer:

City employees shall have the privilege of requesting a transfer to another department at any time there is an existing vacancy for which they are qualified. The City Manager or his designated representative will determine which employees are qualified for the vacancy, and ascertain whether or not they are available for temporary or permanent transfer by consulting with the department head and receiving his recommendation based on the needs of the department. In all cases, the needs of the department will prevail.

4.22 Equal Opportunity:

No applicant shall be prohibited from securing employment with the City of Blackwell as a result of his race, religion, color, sex, national origin or political affiliation. Nor shall any employee be denied promotional or transfer opportunity as a result of his race, religion, color, sex, national origin, or political affiliation. Any evidence of discrimination shall be brought to the attention of the affected employee's department head and the City Manager or his designated representative as appropriate.

4.23 Rehiring of Retired Employees:

Employees who have been retired from active City employment, whether or not they are receiving pensions from funds provided by the City, shall not be eligible, except at the discretion of the City Manager or his designated representative as appropriate.

4.24 Physical Examination:

A physical examination shall be required of all persons entering regular permanent employment with the City of Blackwell. Should the result of the examination be unsatisfactory in any respect, the City Manager or his designated representative, upon recommendation of the department head, may cancel or amend the terms of the offer of employment as he considers necessary. The expense of the medical examination shall be borne by the City of Blackwell.

5.3 Applicants for Employment:

Must be a citizen of the United States or have filed for citizenship; be at least eighteen (18) years of age; be physically fit for the performance of the duties of the position of which application is made; be of good moral character.

5.4 Disqualification by Reason of Court Conviction Record:

All applicants who have been convicted of a felony and who have not received a pardon, restoration of civil rights, or certificate from the court attesting that they were juvenile at the time of conviction, shall have their applications rejected. All applicants who have been convicted of three (3) misdemeanors or violations of ordinances, except non-moving traffic violations, within the last three (3) years prior to date of application may have their applications rejected. Any applicant rejected for the above reasons may appeal to the Personnel Board by making written request to the City Clerk within 10 days of being rejected.

5.5 Disqualification:

The City Manager, his designated representative, or a department head may refuse to interview or examine an applicant, or, after examination when required may disqualify such applicant, remove his name from an eligible list, or may consult with the appointing authority in taking steps to remove such person already appointed if:

- A. He does not meet the preliminary requirements established for the vacancy.
- B. He is so physically or mentally disabled as to render him unfit for the performance of the duties of the position.
- C. He is addicted to the use of narcotics or the habitual use of intoxicating liquors to excess.
- D. He has made a false statement of material fact on his application.
- E. He has used or has attempted to use political pressure or bribery to secure an advantage in the appointment.
- F. He has directly or indirectly obtained information regarding the examination when administered, to which, as an applicant he was not entitled.
- G. He has failed to submit his application correctly or within the prescribed time limits.

City Of Blackwell Harassment Policy

A. Statement of Policy

The City expects its employees to act in a courteous and respectful manner toward other staff members and the public. It will not tolerate conduct which creates an intimidating, hostile or offensive working environment.

Employees may not use epithets, slurs, or any other terms or language to negatively describe, refer to, or show hostility or aversion to another and may not threaten, intimidate, insult, ridicule, act in a hostile way toward, or act in a way that shows aversion to applicants for employment, co-workers, or groups of people. Employees are prohibited from posting or circulating in the workplace any written or graphic materials, or any other materials or objects that attack, defame, belittle, degrade, or show hostility or aversion to any person or group of people.

The City maintains a strict policy prohibiting unlawful harassment, including sexual harassment. This policy applies to all agents and employees of the City. Harassment is prohibited in any form, including verbal, physical, and visual harassment. Sexual harassment includes, but is not limited to, unwelcome sexual advances, requests for sexual favors, and all other verbal or physical contact of a sexual or otherwise offensive nature, especially where:

- submission to such conduct is made either explicitly or implicitly a term or condition of employment,
- Submission to or rejection of such conduct is used as the basis for decisions affecting an individual's employment, or
- such conduct has the purpose or effect of creating an intimidating, hostile or offensive working environment.

Examples of sexual harassment include, but are not limited to, sexually offensive comments, insults, innuendoes or jokes about people or gender specific traits, sexual propositions, threats, suggestive or insulting comments, leering, whistling, touching, and obscene gestures.

B. Complaint Procedure

Any employee who believes that he/she has experienced job related harassment or who has witnessed such harassment in the workplace or who otherwise believes that he/she has been discriminated against someone else due to race, religion, gender, national origin, age, disability or veteran status, or who has witnessed discrimination against someone else should promptly report the incident to his/her Department Head or to the City Manager using the complaint form attached to this policy as Appendix A. In the event that the employee believes that the City Manager or some other management personnel is involved in the harassment or discrimination, the employee may bring the complaint by using the Supervisory By-Pass Procedure attached to this policy as Appendix B.

All complaints of harassment or discrimination will be investigated. In determining whether alleged conduct constitutes harassment or discrimination, the totality of the circumstances, the nature of the harassment and the context in which the alleged incidents occurred will be investigated. Except as deemed necessary to investigate and remedy any violations, the complaint and the information revealed in the investigation will be kept as confidential as possible.

All individuals are strongly encouraged to use the complaint procedure set forth above if they believe they have been subject to discrimination or harassment. The initiation of a complaint, in good faith, will not be grounds for adverse employment action. It is a violation of the City's policy for an individual to be disciplined or otherwise disadvantaged as a result of a good faith resort to this complaint procedure. However, deliberately reporting false allegations may be considered as a form of harassment itself and appropriate action will be taken.

If a person is found to have violated this policy, the City will take appropriate action designed to prevent any further incidents of inappropriate behavior. If necessary, this could include disciplinary action up to and including termination. In addition, management and supervisory employees may face disciplinary action if they fail to take corrective action after becoming aware of the existence of harassment and discrimination, regardless of whether the victim had filed a formal complaint. This policy may be more stringent than certain state and federal laws. Consequently, an individual may be found to have violated this policy and, thus, be subject to discipline, even though his/her conduct would not give rise to a violation of state or federal law.

ADOPTED AND APPROVED THIS 1ST DAY OF AUGUST, 2000.

City of Blackwell/Blackwell Municipal Authority

By *David C. Mahan*
Mayor/Chairman



By *Teressa Mores*
City Clerk

Appendix "A"

Complaint Form

Name of Complainant: _____

Position with the City: _____

Name and Position of Person allegedly violating City policies, including any claims of discrimination and/or harassment: _____

Date and Place of Occurrence: _____

Description of the event giving rise to the Complaint (Please use additional sheets as needed)

Name, address, or position of any potential witnesses to the events: _____

Date

Signature of Employee

Date

Department Head/City Manager

Appendix "B"

Supervisory By-Pass Procedures

- I. Purpose: This policy is designed to provide a procedure whereby employees may, in good faith, report suspected violations of City policies and/or state or federal laws by supervisory or management personnel without fear of retaliation. However, abuse of this procedure by knowingly reporting false information will result in disciplinary action up to and including termination. For the purpose of this policy, an "immediate supervisor" is defined as a person in the employee's immediate chain of command who generally performs evaluations as well as persons in the chain of command who may recommend discipline and who provide direct supervisory or management control over the employee's employment welfare.
- II. Procedures:
 - A. In the event that an immediate supervisor is violating a City policy or is in violation of a state or federal law, the employee witnessing the violation may utilize this by-pass procedure and report the incident to the applicable Department Head utilizing the Complaint Form attached to the City's harassment policy as Appendix "A".
 - B. In the event that the Department Head is also suspected to be involved in the alleged violation, the employee may report the incident directly to the City Manager utilizing the same form. The City Manager may directly investigate the allegations or may assign the investigation to some other Department Head.
 - C. In the event that the City Manager is suspected of being involved in the alleged violation, the employee may report the allegations to the City Council on the Complaint Form. The City Council will determine the best method of investigating the allegations.
 - D. All complaints will be handled in as confidential a manner as possible under the totality of the circumstances recognizing that witnesses may have to be interviewed and the allegations discussed with them. The complainant will be informed of the ultimate determination of the fact finder(s). However, due to the need to protect the privacy interests of all employees, the complainant may or may not be informed of any final act of discipline, if any.